

**Notice of Allowability**

Application No.

10/790,209

Examiner

David D. Le

Applicant(s)

SUZUKI ET AL.

Art Unit

3681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 11 October 2005.
2. ☒ The allowed claim(s) is/are 2,4-7,10 and 12-15.
3. ☒ The drawings filed on 02 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This is the second Office action on the merits of Application No. 10/790,209, filed on 02 March 2004. Claims 2, 4-7, 10, and 12-15 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
- Foreign Priority Document, received on 03/02/04
  - Information Disclosure Statement, received on 03/02/04

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney, Larry S. Nixon, on 25 October 2005.

The application has been amended as follows:

Claim 10:

- Line 19, "providing" has been replaced with --said means for varying the command value providing--.

Claim 12:

- Line 13, “to e permitted” has been replaced with --to be permitted--;
- Line 15, “ot the pressure adjusting means” has been replaced with --to the pressure adjusting means--.

*Allowable Subject Matter*

4. Claims 2, 4-7, 10, and 12-15 are allowed.
5. The following is an examiner’s statement of reasons for allowance:

Claim 2:

The prior art of record fails to show or render obvious a control method as recited in the claim; specifically, wherein the method includes the steps of:

- Determining whether gear shifting is permissive or not based on time variation of the hydraulic pressure applied to the frictional element that is adjusted by the pressure adjusting means according to the command value and detected by a means for detection of hydraulic pressure;
- Determining that gear shifting is prohibited if the engaging-side applied hydraulic pressure detected by the detecting means does not vary when the command value is varied; and
- Providing the complete engagement command value to the pressure adjusting means.

Claim 4:

The prior art of record fails to show or render obvious a control method as recited in the claim; specifically, wherein the method includes the steps of:

- Estimating a time variation of the applied hydraulic pressure based on the command value that has been varied; and
- Giving the permissive command value to the pressure adjusting means at a normal timing if the estimated time variation matches the actual time variation.

Claim 10:

The prior art of record fails to show or render obvious a control device as recited in the claim; more specifically, wherein the control device includes the means for varying the command value given to the pressure adjusting means and for determining whether gear shifting is permissive or not based on time variation of the applied hydraulic pressure detected by the detecting means; and when the varying and determining means decides that gear shifting is to be prohibited, if the engaging-side applied hydraulic pressure detected by the detecting means does not vary when the command value is varied, the means for varying the command value provides the complete engagement command value to the pressure adjusting means.

Claim 12:

The prior art of record fails to show or render obvious a control device as recited in the claim; more specifically, wherein the varying and determining means estimates the time variation of the applied hydraulic pressure based on the command value that has been varied, and if an estimated time variation matches actual time variation, gives the permissive command value to the pressure adjusting means at a normal timing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ddl

  
CHARLES A. MANN  
SUPERVISORY PATENT EXAMINER  
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